

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DARRELL HARDENBURG,

Plaintiff,

v.

Case No. 2:11-cv-15630
Honorable Lawrence P. Zatkoff

DUNHAM'S ATHLEISURE CORPORATION,

Defendant.

OPINION AND ORDER

At a session of said Court held in the United States
Courthouse in the City of Port Huron, Michigan

On: September 26, 2012

PRESENT: Hon. Lawrence P. Zatkoff
United States District Court Judge

I. INTRODUCTION

This matter is before the Court on Defendant's Emergency Motion Regarding Expert Discovery [dkt 20]. The parties have fully briefed the Motion. The Court finds that the facts and legal arguments are adequately presented in the parties' papers such that the decision process would not be significantly aided by oral argument. Therefore, pursuant to E.D. Mich. L.R. 7.1(f)(2), it is hereby ORDERED that the Motion be resolved on the briefs submitted. For the reasons set forth below, Defendant's Motion is GRANTED.

II. BACKGROUND

On March 8, 2012, named counsel for the parties attended the scheduling conference for the above matter in Port Huron, Michigan. Pursuant to the Scheduling Order [dkt 10], the

discovery cut-off date was September 18, 2012. Dispositive motions, if any, are to be filed by October 9, 2012.

III. ANALYSIS

Defendant's Motion requests that the Court allow any expert discovery to be conducted subsequent to the Court's ruling on any dispositive motions, if filed. Defendant's counsel, in fact, made the same request during the March 8, 2012, scheduling conference, to which the Court suggested that the parties submit a stipulated order. At no time during the scheduling conference did Plaintiff's counsel offer an objection to such an order. Moreover, the Court's notes from the scheduling conference include the following: "Δ [defense] atty. wants expert depositions. AFTER dispositive motions—I agreed." (emphasis in original).

The Court GRANTS Defendant's Motion for the reasons set forth in Defendant's briefs *and* the Court's scheduling conference notes, which reflect not only that Defendant requested the exact relief stated in the present Motion but also that the Court, during the scheduling conference, *indicated that it would agree* to Defendant's request.

IV. CONCLUSION

Accordingly, for the reasons set forth above, IT IS HEREBY ORDERED that Defendant's Emergency Motion Regarding Expert Testimony [dkt 20] be GRANTED.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff
Hon. Lawrence P. Zatkoff
U.S. District Judge

Dated: September 26, 2012